

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Monday November 16, 2015

Work Session 6:30 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm
Approval of Minutes

Item 1

Joseph and Nancy Bechtel
Residential Single Family

Requests Minor Subdivision Approval at 9405
Roll Road.

Item 2

Daniel Herberger
Traditional Neighborhood District

Requests Minor Subdivision Approval at 7155
Transit Road.

Item 3

Paul Bliss
Planned Unit Residential Development

Requests Minor Subdivision Approval for a
vacant lot on Donegal Manor.

Item 4

Benderson Development
Major Arterial

Requests Concept Plan Approval for a proposed
retail/restaurant building at 5157-5181 Transit
Road.

Item 5

Clarence Fire District #1
Traditional Neighborhood District

Requests Concept Plan Approval and a
Recommendation for a Special Exception Use
Permit for a proposed addition to the existing Fire
Hall at 10355 Main Street.

Item 6

Dominic Piestrak
Spaulding Green Open Space Design
Development

Requests Concept Plan Review of a proposed
amendment with an increase in total units.

Item 7

Dominic Piestrak
Spaulding Green Open Space Design
Development

Requests Development Plan Approval for
Phase 4.

Chairman Robert Sackett called the meeting to order at 7:33 p.m.

Councilman-elect Christopher Greene led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett	Vice-Chairman Paul Shear
2 nd Vice-Chairperson Wendy Salvati	Timothy Pazda
Gregory Todaro	Steven Dale
Jeffrey Buckley	

Planning Board Members absent: Richard Bigler

Town Officials Present:

Director of Community Development James Callahan
 Junior Planner Jonathan Bleuer
 Councilman Peter DiCostanzo
 Deputy Town Attorney Steven Bengart
 Councilman Robert Geiger
 Councilman-elect Christopher Greene

Other Interested Parties Present:

Nancy Braunscheidel	Eric Glassman	Roger Kieffer
Douglas Topp	Joe Bechtel	Nancy Bechtel
Adam Connors	John Bellomo	John A. Skop
John Brown	William J. Brown	Phil Collins
Camryn Collins	Dan Schofield	Sandy Schofield
Rich Sheremeta		

Motion by Paul Shear, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on October 21, 2015, as written.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Abstain	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Chairman Sackett explained that in the absence of Planning Board member Richard Bigler, alternate Planning Board member Jeffrey Buckley will be participating in all discussions and voting on all agenda items this evening.

The protocol for the meeting will start with Jim Callahan introducing the project. The applicant will then have the chance to add any remarks they wish. The Board will ask the applicant any questions they have. Members of the audience are then invited to participate; their comments will be taken collectively

and addressed by either the Planning Board members or the applicant, whichever is appropriate to the question/concern. The Board will then take action as they see fit.

Item 1

Joseph and Nancy Bechtel
Residential Single Family

Requests Minor Subdivision Approval at 9405
Roll Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Roll Road, east of Old Goodrich Road, along Town Place Drive. It is existing residential and agricultural property located in the Residential Single Family Zone. The applicant is proposing a minor subdivision to split the existing residential home along Roll Road from the parent agricultural property. Per the Subdivision Law, the Planning Board has final review and approval authority on the minor subdivision.

Adam Connors as attorney for Mr. and Mrs. Bechtel is present. Mr. and Mrs. Bechtel are present as well. Mr. Connors explained that the Bechtel's are in the process of selling the horse farm portion of the lot and they are under contract with the buyer. The contract states the Bechtel's would retain the front two (2) acres and the other person would be operating the horse farm. The buyer will be applying for a conservation easement for the farm.

Mr. Dale asked if there are any common utilities shared between the house and the horse farm. MR. Connors said no.

Eric Glassman lives on Goodrich Road and asked for clarification on the proposed split. Mr. Callahan explained that the red dotted line on the presentation is the proposed lot split which is splitting off the existing residential home on Roll Road from the rest of the property. It is further clarified that this proposal is dividing one (1) lot into two (2) lots.

ACTION:

Motion by Wendy Salvati, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, the Planning Board **issues** a Negative Declaration on the proposed Bechtel Minor Subdivision located at 9405 Roll Road. This Unlisted Action involves a minor split to separate an existing single family residence in the Residential Single Family Zone. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Minor Subdivision located at 9405 Roll Road to separate the existing single family home from the existing horse farm as per the submitted site plan.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

John Scott lives next to the Bechtel's and he thanked the Board for sending him the notice about this meeting.

Item 2

Daniel Herberger
Traditional Neighborhood District

Requests Minor Subdivision Approval at 7155
Transit Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located at the northeast corner of Lapp Road and Transit Road. It is an existing residential property located in the Traditional Neighborhood District (TND). The applicant is proposing a minor subdivision to create one (1) additional residential building lot in conformance with the TND zone. Per the Subdivision Law, the Planning Board has final review and approval authority.

Nancy Braunscheidel is representing Daniel Herberger, he is her brother. She is also present because her property adjoins the property that Mr. Herberger is interested in building on. She has no objections to the proposal however she is concerned with drainage. Chairman Sackett noted the drainage would be a purview of the Building Department so if and when a building permit is applied for it would fall under the Building Department's auspices. The only action tonight is for a lot split.

Mr. Dale referred to question 10 on the Environmental Assessment Form (EAF) which asked if the proposed action will connect to an existing public or private water supply, "no" was checked. Mr. Dale asked the applicant if she knows where the potable water is going to be coming from. Ms. Braunscheidel said there is water. Mr. Callahan said the answer was incorrectly filled out on the form, it will be corrected.

Mr. Callahan noted that both lots will be in conformance with the TND zone and it is in Erie County Sewer District #5 so it would have access to public sewers.

Anthony Cross, of 8030 Lapp Road, questioned if that is enough space to build on being in the Clarence district, his understanding was that three-quarters of an acre is the minimum size to build on. Mr. Callahan explained that in the TND zone minimum lot size is 15,000 square feet; it will be a Lapp Road entrance. Mrs. Salvati explained that the action tonight will only create a new lot.

ACTION:

Motion by Gregory Todaro, seconded by Paul Shear, pursuant to Article 8 of the Environmental Conservation Law, the Planning Board **issues** a Negative Declaration on the proposed Herberger Minor Subdivision located at 7155 Transit Road. This Unlisted Action involves a minor split to create an additional residential building lot in the Traditional Neighborhood District. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Gregory Todaro, seconded by Paul Shear, to **approve** the Minor Subdivision located at 7155 Transit Road as per the submitted design, subject to the following conditions:

1. Erie County Sewer District #5 approval of sanitary sewer connection.
2. Erie County Department of Public Works approval of new curb cut onto Lapp Road.
3. Town Building and Engineering Department approval on future construction on the property.
4. Open Space and Recreation Fees.

ON THE QUESTION:

The applicant understands and agrees with the conditions.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 3

Paul Bliss Planned Unit Residential Development (PURD)	Requests Minor Subdivision Approval for a vacant lot on Donegal Manor.
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DISCUSSION:

Jim Callahan provided the history on the project noting that the property is an extension of Donegal Manor in the Waterford PURD. The applicant is proposing to create an additional residential building lot on the extended street. Per the Subdivision Law, the Planning Board has final review and approval authority. The created lot will be part of the future map cover for Donegal Manor.

Paul Bliss is present.

ACTION:

Motion by Steve Dale, seconded by Paul Shear, to **approve** the Minor Subdivision located at the end of Donegal Manor as per the submitted site plan from Bliss Construction, subject to the following condition(s):

1. Review and approval by the Town Building and Engineering Department on any future construction on the new lot.

ON THE QUESTION:

Mr. Bliss understands and agrees with the condition.

No action under SEQRA is required as the proposed lot has been previously approved and an action under SEQRA previously issued to allow the development as designed.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 4

Benderson Development
Major Arterial

Requests Concept Plan Approval for a proposed retail/restaurant building at 5175-5181 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on east side of Transit Road, north of Sheridan Drive. It is an existing commercial property including the form Spilio’s restaurant and a former podiatrist’s office. The applicant is proposing to demolish the existing structures and construct a new 19,000+ square foot retail/restaurant use. Per the Zoning Law, the Planning Board has review and approval authority of the site plan and architectural style. As the proposed use is conforming to zoning, it employs access management and interconnectivity with the use of Transit Road curb cuts, coordinated review under SEQRA is not needed.

James Boglioli, attorney for Benderson Development, is present and explained that the property incorporates three (3) parcels. The first parcel is the doctor’s office with a 2200 square foot building on about a half an acre with a single curb cut onto Transit Road. The next parcel is Spilio’s Restaurant which is a three-quarter acre parcel with a 7500+/- square foot building on it. That parcel currently has two (2) connections onto Transit Road. The third piece of land is the existing decorative pond. Neither Spilio’s nor the doctor’s office properties had any connection to the shopping plaza at the rear. The existing two (2) buildings would be demolished and provide a new 19260 square foot mixed use building. The building exceeds all zoning requirements, the proposal provides cross access to the Eastgate shopping center which is consistent with the 2004 Transit Road Corridor Management Study. The

project reduces the number of curb cuts from three (3) to two (2). It provides for 141 parking spaces on site; two (2) rows in the front, three (3) rows in the back with adequate connection to the back parking. It modifies the Eastgate access road and provides gentle curve because they have noticed that people tend to speed in that back area. The sidewalk connects to the patio in the front of the building for pedestrian traffic to have the ability to go all the way around to the back. Mr. Boglioli said they are looking at two (2) restaurants one on either endcap. One patio will be on the front along Transit Road, the other patio incorporates the existing pond. They will upgrade the pond to incorporate it as a feature to the restaurant as opposed to a standalone pond, which is what it is now. Mr. Boglioli listed numerous trees/bushes that will be planted to enhance the landscaping. The proposal is an increase of only 9500 square feet as compared to what currently exists and because of that minimal increase normally a traffic study would not be done, but given the history of this site, Mr. Boglioli provided a traffic study. The study indicates that there will be 16 new trips on weekday peak and 32 new trips on weekend peak. There will be 1 new trip on Greiner Road at weekday peak, and 2 new trips on Greiner Road at weekend peak. The materials that will be used include a mix of stone veneer, poplar, brick, metals and EIFS to tie the building all together. The patio will be built right out onto the pond.

Chairman Sackett asked if the dumpsters access the interior parking lot as opposed to the road. Mr. Boglioli said they access from the road and will be screened. They are serviced off-peak. The dumpster could not go to the north side of the building because they would need a variance for that location. They cannot have them serviced from the parking lot because then the service trucks could not access them due to the parking in that area. It is confirmed that the tenants of the building would have to walk to the access road to put items in the dumpster. Mr. Boglioli believes the side setback is 25', which would put the dumpster in the driveway, thus a variance would be needed. It would not be aesthetically pleasing to put the dumpster near the pond.

Mr. Pazda asked why two (2) access points are needed to BJ's plaza. He suggested eliminating one (1) access point and make that the dumpster area. Mr. Boglioli said they are trying to spread the traffic out in the driveway. Mr. Pazda said that road is becoming troublesome, there are no Stop signs at those little islands, people come through there like it is their right-of-way. Mr. Boglioli said they want to keep the straight-through road so people can use that if they want to get to the shopping center. The dumpsters will be in a complete enclosure and will be landscaped around it. Mr. Pazda said currently that is a lousy plan, it needs to be reworked.

Mrs. Salvati said the preferable spot to locate the dumpsters is on the north side of the property, which is where a variance is needed. The reason that location is preferable is because there is no raised island, the island that is on the plan is striped so if the trucks come at off-peak times there would be no cars and the trucks could get to the dumpsters easy. There are two (2) solid islands where they are currently proposed to be located and the trucks will have to maneuver between them. Mr. Boglioli said the first place they located the dumpster was at the treed location but found they could not meet the 25' setback requirement.

Mr. Pazda suggested putting the dumpsters along the north side of the property and moving the driveway so that it is not a straight shot to the shopping mall.

Chairman Sackett said the applicant may need more handicap parking spaces based on the code but that will be settled at the Development Plan stage.

Mr. Boglioli said the gazebo is being completely eliminated. The water fountain will be significantly reduced.

Mr. Pazda asked if the applicant is willing to allow the neighbors to have cross access into the plaza. Mr. Boglioli said that is a business decision, they have not yet come to an agreement with the neighbor but the applicant has agreed to work with the neighbor. Mr. Boglioli will not take this as a condition because it is a business agreement, they have worked it out with McDonald's and with the Carpet Store. Benderson is in the process of discussing it with the neighbor.

Mr. Dale referred to the traffic study and asked why the shopping center classification was used to evaluate this new proposed project rather than a restaurant. Mr. Boglioli said that is because the proposal is interconnected to the shopping center, a shopping center includes outparcel buildings and interior buildings, and at this point this whole area operates as a single shopping center including pass-by trips and shared trips. Mr. Dale said it makes a significant difference in the amount of traffic that is generated. Mr. Boglioli said if it was counted as a stand-alone then the pass-by traffic would not be counted.

Mrs. Salvati said the traffic study has Spilio's restaurant at 4100 square feet, Mr. Boglioli said that building is about 7500+/- square feet. If Spilio's is larger than what the traffic study indicates it will generate more traffic than anticipated under the existing conditions analysis. Mr. Boglioli explained that the traffic study took the square footage from an aerial, the applicant has the survey. He went on to explain that this building generates very little traffic. If this was a stand-alone building and not part of the history that is here, he would have offered a traffic study. He reminds the Board that the proposal is only a 9,000 square foot expansion. Mrs. Salvati thinks the shared access to the shopping mall and one less curb cut on Transit Road are excellent features of this project. She went on to say that her preference is for the applicant to go for a variance for the dumpster placement.

Mr. Boglioli said the proposed building is one-story.

Mr. Pazda asked if the intention is for four (4) separate boutique type retail locations in the middle. Mr. Boglioli said it is going to be at least two (2) restaurants; he speculates there will be small retail in between. Mr. Pazda pointed out that Mr. Boglioli said he would not accept cross access as a condition, Mr. Boglioli said that is correct, not for the neighbor's property. Mr. Pazda went on to say that if the Board does not make cross access a condition how do they know it will get done. Mr. Boglioli is not promising cross access will happen, they have to have a business agreement with the neighbor. Mr. Boglioli noted that what the Board is asking for is to permit Auto Zone access to the shopping center. Mr. Pazda said yes. It is Mr. Boglioli's legal position that you can't force him to give property rights to another property owner. He is working with the neighbor and if they come up with a business agreement he will give them access.

Chairman Sackett said if the applicant's preferred location for the dumpster needs a variance then they should go before the Zoning Board of Appeals. Mr. Boglioli said he would accept that as a condition. Mr. Pazda said what will happen if they don't get the variance, where will it be and who has control over it. He thinks putting it in the other parking lot is a very bad idea and an unsafe situation.

Mr. Shear said he does not have a problem with the current location of the dumpsters. He understands the interest in putting it to the north side but how can the Board do anything if they are sending the applicant to someone else to make a decision. He suggested taking a position on the project as it has been presented.

Mrs. Salvati said she is not comfortable to there on a project that she would otherwise have no problem approving, but approve it with this layout, without at least attempting to get a variance to move the dumpsters.

Mr. Todaro noted that this is Concept Approval, the dumpster placement is more appropriately discussed at the Development Plan stage.

Mr. Dale suggested moving the dumpster south into the parking area. Mr. Boglioli said he would go for a variance before he moved the dumpster south. The restaurants will be dumping trash at midnight after the restaurant closes and there will not be a lot of traffic in the parking lot at that time.

Jonathan Bleuer referred to Town Code §229-95 Accessory Buildings within the Major Arterial Zone, which indicates that if they (accessory structures) are wholly within the rear yard, and this does include dumpsters, the setback is 10'. Mr. Boglioli said the dumpsters will be relocated to the area at the end of the parking, along the property line adjacent to the Auto Zone parking lot and will conform to the 10' setback requirement.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to accept the Environmental Assessment as prepared and to **issue** a Negative Declaration on the proposed Benderson Development Restaurant and Retail Plaza located 5175-5181 Transit Road. After thorough review of the submitted site plan and EAF it is determined that the proposed action is in conformance with local land use regulations, provides necessary interconnectivity and access management and will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Concept Plan and proposed architectural style for the proposed Restaurant/Retail Plaza located at 5175-5181 Transit Road, as submitted by Benderson Development, site plan dated September 14, 2015, with the following conditions:

1. Subject to Landscape Committee review and approval of submitted Landscape Plans prior to Development Plan approval.
2. Subject to Open Space and Recreation Fees.
3. Dumpster will be relocated to the northeastern section of the property, which presently shows a depiction of trees in that area on the site plan.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 5

Clarence Fire District #1
Traditional Neighborhood District

Requests Concept Plan Approval and a Recommendation for a Special Exception Use Permit for a proposed addition to the existing Fire Hall at 10355 Main Street.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Main Street east of Shisler Road. It is the existing Fire Department located in the Traditional Neighborhood District and Commercial zoning classification. The applicant is proposing an expansion to the fire hall. As the overall project will exceed 20,000 square feet a Special Exception Use Permit as issued by the Town Board will be required. The Planning Board will be a recommending body on this project. SEQRA has been addressed by the Fire District previously.

Jason Utzig, with C & S Engineers, is present along with Delia Valdis from Stieglitz Snyder Architecture. David Metzger, representative of the Fire District, is also present. Mr. Utzig said the proposal is for a 7,000 square foot addition to the fire hall. The addition will include three (3) truck bays, a fitness center, fifteen (15) new parking spaces, one (1) handicap accessible space, a new septic system for the addition, a storm water management system for storm water run-off control, landscaping and photo-metrics.

Ms. Valdis said the existing building currently has a flat roof and has more of an industrial feel to it. The applicant felt it would be more pleasant to tie this building into the residential neighborhood. The buildings in the Hollow have a lot of stone features and the District would like to think of this building as the "Gateway to the Hollow" so they are adding stone features to tie into the neighborhood. The rest of the building will be mainly brick with some EIFS accents.

Chairman Sackett asked if the sign out by the street is being moved. Mr. Utzig said no. Chairman Sackett asked if the applicant has identified a landscape plan. Mr. Utzig said yes they submitted a fully landscaped plan to the Town.

Mr. Pazda asked if the addition of the three (3) bays will affect the red light on Main Street. Mr. Utzig said no. It is clarified that a separate septic will be put in for the addition, it will be located to the right of the trees on the curve along the southwest corner of the building. It is noted that many existing trees will remain on site. Ms. Valdis said the overall depth of the proposal is 68'.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear, Whereas an Environmental Review has been completed by the Fire District, no additional action under SEQRA is required, Now, therefore a motion is made to **approve** the Concept Plan and architectural style on the proposed Fire Hall Expansion at 10355 Main Street as per the submitted site plan and architectural designs from Stieglitz-Snyder Architecture and C&S Engineers dated September 24, 2015, subject to the following conditions:

1. Review and approval of the final Landscape Plans by the Landscape Committee prior to Development Plan.
2. Open Space and Recreation fees as determined by the Town Board.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

ACTION:

Motion by Timothy Pazda, seconded by Paul Shear to **recommend** the Town Board issue a Special Exception Use Permit on this project.

ON THE QUESTION:

Chairman Sackett explained that a Special Exception Use Permit is required because the proposal exceeds the square footage of 20,000 which is the requirement in the TND.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 6

Dominic Piestrak
Spaulding Green Open Space Design
Development

Requests Concept Plan Review of a proposed amendment with an increase in total units.

DISCUSSION:

Jim Callahan provided the history on the project noting that the original Spaulding Green Open Space Design Subdivision encompassed 350 acres and a total of 380 units. After several amendments the original concept to maintain the 380 units total the applicant is now seeking an amendment to add land and units to the overall design. The proposal is to add 49 acres to the overall project area and 45 additional units. The density and open space will remain within code. The applicant is present seeking initiation of coordinated review under SEQRA.

Ken Zollitsch of Greenman Pedersen, Inc (GPI) is present on behalf of Spaulding Green LLC. Mr. Zollitsch said they are requesting the Concept Plan approval process be started for some additional properties that have been acquired through Spaulding Green overtime as well as utilization of the properties that were not previously considered under the original Spaulding Green EIS. It is approximately 49 acres that they are looking at as new property and they are requesting an additional 45 lots be added to the existing 380 that was previously approved.

Chairman Sackett made sure the applicant understands that before the Board can consider Concept Approval a SEQRA review needs to be done and the Lead Agency would be the Town Board. Mr. Zollitsch said he understands; they have prepared the full EAF for the Town.

Mr. Pazda said the incremental or the cumulative effects of this addition to the project greatly trouble him; this is a significant addition and most other situations would be a stand-alone action. He is very concerned about the cumulative effects of this project.

Mr. Pazda asked why this is not triggering a revised Environmental Impact Statement. Mr. Callahan explained that it is being sent out for coordinated review, the information that will be received back may require an environmental impact statement. It is being treated as a Type I Action under SEQRA. The information that comes back will determine what the Town’s action will be towards finalizing SEQRA. Mr. Zollitsch said some of the properties that have been acquired have already gone through a review process such as wetlands and archeology; they have already gone through that process with those agencies. The remaining property to the north that they are now looking at utilizing is largely upland, it is free of the wetland. Most of the land is free and clear of many of the major impacts that were seen throughout the rest of Spaulding Green Development. Mr. Zollitsch said the wetland determination is still valid.

ACTION:

Motion by Paul Shear, seconded by Steve Dale, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as prepared and modified and to **recommend** to the Clarence Town Board to initiate coordinated review on the proposed Concept Plan amendment for the Spaulding Green Open Space Design Development. This unlisted action involves the addition of 49 +/- acres and 45 additional residential units to the original 380 unit subdivision for a final amended subdivision plan of 425 units on 400.6 +/- acres with 211 +/- acres of Open Space.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Item 7

Dominic Piestrak	Requests Development Plan Approval for
Spaulding Green Open Space Design	Phase 4.
Development	

DISCUSSION:

Jim Callahan provides the history on the project noting that Phase 4 involves the development of the main parkway and two (2) courts. The Town Engineer has reviewed the design and has forwarded a letter of approval, the letter is on file.

Ken Zollitsch of Greenman Pedersen, Inc (GPI) is present on behalf of Spaulding Green LLC. Mr. Zollitsch said they have received the Town Engineers letter of approval as well as Erie County DPW, Erie County Water Authority and Erie County Department of Sewerage Management approvals.

Chairman Sackett noted that the last time this project was in front of the Planning Board it was a recommendation from the Town Board that before any construction takes place for the homes a recreational trail will be completed up to the gas line and that a traffic signal will be installed at the

Thompson and Greiner Road intersection. Chairman Sackett said the recreational trail is yet to be stoned and the legal agreement that provides for it is still being worked on relative to the ingress and egress. All the paperwork has been completed for the traffic light and is pending County approval. Mr. Zollitsch said yes they have made substantial progress in all the ways the Chairman has noted. Mr. Zollitsch noted that it is his understanding that once the path is complete the Town will take ownership. The applicant would survey the path, mark the centerline and prepare a survey based on the final location as opposed to what the intended location was, this way it is clear and completely on Town property. Deputy Town Attorney Steve Bengart said it is not clear as to whether the Town will take Title to the path or if there will be a conservation easement.

Mrs. Salvati asked what the status is of the installation of the signal. Mr. Zollitsch said it is currently at the County level. Mr. Callahan said the design of the signal has been completed by an outside independent engineer, Nussbaumer and Clarke. The County has reviewed that design and made some modifications. Nussbaumer and Clarke has now completed the re-design and it is now in the County's hands as to when the next step will take place, which is probably the construction of it.

Mrs. Salvati noted that there is an area which is the retention pond but it is labelled conservation area, she realizes it is part of what is being considered as open space but wanted it to be noted for the record. Mr. Zollitsch explained that anything outside of lots is being labelled as conservation area or common properties so that it is clear it will not be owned by any individual sub-lot owner; it will be owned by the HOA or a portion of it by the Town if they so choose.

Mr. Pazda asked for clarification on the completion of the recreational trail and Final Plat Approval. Mr. Callahan said that condition is taken directly from Concept Approval. The applicant cannot obtain Final Plat Approval until the trail is installed.

ACTION:

Motion by Jeffrey Buckley, seconded by Gregory Todaro, to **grant** Development Plan Approval on Phase 4 of Spaulding Green Open Space Design Development as per the submitted plans from GPI representing approximately 1300 Linear Feet of Spaulding Green Parkway, approximately 760 Linear Feet of Serenity Court and approximately 760 Linear Feet of Heron Glen, subject to the following conditions:

1. PIP Permits as Issued by the Town Engineer.
2. Completion of the recreational trail to the gas line at the eastern project limits prior to Final Plat Approval by the Town Board on this Phase 4.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Wendy Salvati	Aye	Paul Shear	Aye
Robert Sackett	Aye		

MOTION CARRIED.

Meeting adjourned at 8:46 p.m.

Carolyn Delgato
Senior Clerk Typist